



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/607,812

06/27/2003

Andrew D. Milligan

3670

8393

7590

10/03/2006

Law Offices of Albert S. Michalik, PLLC
Suite 193
704-228th Avenue NE
Sammamish, WA 98074

EXAMINER

PONIKIEWSKI, TOMASZ

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,812

Applicant(s)

MILLIGAN ET AL.

Examiner

Tomasz Ponikiewski

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment filed on July 19, 2006 has been received and entered. Claims 1-26 and 41-43 are pending.
2. Applicant's amendment has overcome previous claim objections and rejection under 112 2nd and 101.

Terminal Disclaimer

3. The terminal disclaimer filed on 07/19/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 10/692549 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 16, 19, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16, 19, 27 and 28 all recite, "operable to". Operating does not mean that the step is being accomplished. It suggests a capability but not necessarily taking place. It should be deleted or amended to recite definite language i.e. "configured to".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-36 and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Carson et al. (US PUB 2004/0093326 A1).

As per claim 1 Carson et al. is directed to in a computing environment, a method comprising:

receiving a request for taxonomy-related information, the request including identification data and relationship data (page 4, paragraph 0032, lines 4-5; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4);

extracting data from the request (page 7, paragraph 0072, lines 1-3, wherein "extracting" could mean "abstraction");

and querying a database based on the data extracted from the request to obtain taxonomy-related information about at least one node, the taxonomy-related information having at least one identifier that corresponds to the identification data and having a relationship that corresponds to the relationship data (page 6, paragraph 0056, lines 8-9; page 7, paragraph 0068, page 7, paragraph 0070, lines 3-10).

As per claim 2 Carson et al. is directed to returning the taxonomy-related information in response to the request (page 4, paragraph 0040, lines 7-8).

As per claim 3 Carson et al. is directed to the identification data comprises an identifier of a taxonomy and the relationship data indicates a root node relationship, and wherein returning the taxonomy-related information in response to the request comprises returning an identifier of at least one root node within the taxonomy (page 2, paragraph 0010, lines 6-14).

As per claim 4 Carson et al. is directed to returning the taxonomy-related information in response to the request comprises identifying the relationship along with each other node identifier that corresponds to the relationship data (page 2, paragraph 0010, lines 6-14).

As per claim 5 Carson et al. is directed to the identification data comprises an identifier of a taxonomy and a node identifier of a node within the taxonomy, and

wherein returning the taxonomy-related information in response to the request comprises returning at least one other node identifier that corresponds to the relationship data (page 7, paragraph 0073, lines 2-7).

As per claim 6 Carson et al. is directed to the relationship data indicates a parent relationship (figure 2a, wherein retrieval(244) is parent of healthcare(261)).

As per claim 7 Carson et al. is directed to the relationship data indicates a child relationship (figure 2a, wherein healthcare(261) is child of retrieval(244)).

As per claim 8 Carson et al. is directed to returning the taxonomy-related information in response to the request comprises returning an identifier of another taxonomy (page 7, paragraph 0068, lines 10-12).

As per claim 9 Carson et al. is directed to returning the taxonomy-related information in response to the request further comprises returning at least one node identifier corresponding to at least one node in another taxonomy (page 7, paragraph 0068, lines 7-10).

As per claim 10 Carson et al. is directed to the relationship data indicates an equivalence relationship (figure 2a wherein healthcare(261) and banking(260) are on the same level in the taxonomy).

As per claim 11 Carson et al. is directed to returning the taxonomy-related information in response to the request further comprises returning at least one attribute value that indicates whether a node corresponding to that attribute value comprises a classification node (page 7, paragraph 0072, lines 3-6).

As per claim 12 Carson et al. is directed to returning the taxonomy-related information in response to the request further comprises returning at least one text string (page 5, paragraph 0048, second column, lines 9-10).

As per claim 13 Carson et al. is directed to the request includes at least one other set of identification data and relationship data, and wherein the response returns data corresponding to the request in the order in which the identification data and relationship data was received such that the first set of identification data and relationship data corresponds to a first part of the response and the at least other set of identification data and relationship data corresponds to a second part of the response. (page 7, paragraph 0068; page 7, paragraph, 0073, lines 1-4).

As per claim 14 Carson et al. is directed to the request comprises an XML message, and wherein returning the taxonomy-related information in response to the request further comprises formatting the response as an XML message (page 4,

paragraph 0040, lines 5-7, wherein transportation could mean both request and response).

As per claim 15 Carson et al. is directed to the taxonomy-related information corresponds to a taxonomy maintained at a UDDI server (page 1, paragraph 0003, lines 6-8; page 7, paragraph 0068, line 1).

As per claim 16 Carson et al. is directed to a computer-readable medium having computer-executable instructions operable to execute the method of claim 1 in computer system (see rejection for claim 1, page 5, paragraph 0044, lines 5-7).

As per claim 17 Carson et al. is directed to a in a computing environment, a method comprising:

constructing a request for taxonomy data, the request including identification data from which a taxonomy may be identified and at least one relationship qualifier (page 4, paragraph 0032, lines 4-5; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4);

communicating the request to a server (page 1, paragraph 0003, lines 6-8);

receiving a response from the server including identification information corresponding to the identification data and relationship information corresponding to the relationship qualifier (page 4, paragraph 0040, lines 7-8; page 7, lines 0068); and

presenting information about the taxonomy, the information based on the identification information and based on the relationship information in the response (page 4, paragraph 0040, line 7-12; page 7, lines 0068).

As per claim 18 Carson et al. is directed to the identification data comprises a unique identifier and the relationship qualifier indicates a root node relationship with the taxonomy, and wherein the response includes information about at least one root node in the taxonomy (page 7, paragraph 0070, lines 7-8).

As per claim 19 Carson et al. is directed to the identification data further includes node identification data from which a node within the taxonomy is operable to be identified (page 7, paragraph 0070, lines 1-3; page 7, paragraph 0071, lines 1-3).

As per claim 20 Carson et al. is directed to the relationship qualifier indicates a parent node of a node identified by the node identification data, and wherein the response includes information about the parent node (page 7, paragraph 0074, line 2).

As per claim 21 Carson et al. is directed to the relationship qualifier indicates a child node of a node identified by the node identification data, and wherein the response includes information about at least one child node, if any exist (page 2, paragraph 0010, lines 6-14, wherein the child node is in a level below one mentioned in request).

As per claim 22 Carson et al. is directed to the relationship qualifier indicates an equivalent node of a node identified by the node identification data (page 2, paragraph 0010, lines 6-14, wherein the equivalent node is in on the same level as one mentioned in request).

As per claim 23 Carson et al. is directed to receiving the response from the server further includes receiving an attribute value that indicates whether a node in the taxonomy is intended as a classification node (figure 3 (30); page 7, paragraph 72).

As per claim 24 Carson et al. is directed to receiving the response from the server further includes receiving at least one text string that corresponds to a node in the taxonomy (page 5, paragraph 0048, second column, lines 9-10).

As per claim 25 Carson et al. is directed to constructing a request for taxonomy data comprises constructing an XML message (page 4, paragraph 0040, lines 5-7).

As per claim 26 Carson et al. is directed to communicating the request to a server comprises sending the XML message to a UDDI server (page 1, paragraph 0003, lines 6-8; page 4, paragraph 0040, lines 5-7; page 7, paragraph 0068, line 1).

As per claim 27 Carson et al. is directed to a computer-readable medium having computer-executable instructions operable to execute the method of claim 17 in a computer system (see rejection for claim 17, page 5, paragraph 0044, lines 5-7).

As per claim 28 Carson et al. is directed to in a computing environment, a system comprising:

a client, the client including an application program that presents taxonomy-related data (page 3, paragraph 0028, lines 3-4; page 3, paragraph 0027, lines 3-6)

and a server (page 1, paragraph 0003, lines 6-8) that maintains taxonomy data, the server coupled to receive taxonomy-related requests from the client seeking relationship information about nodes in a taxonomy, and in response to each request, to locate relationship information corresponding to a node in a specified taxonomy and to return a response to the client from which the client is operable to present the taxonomy-related data (page 3, paragraph 0027, lines 5-7; page 4, paragraph 0040, line 12; page 7, paragraph 0068, lines 1-2).

As per claim 29 Carson et al. is directed to the relationship information corresponding to the node in the specified taxonomy comprises a root qualifier (page 2, paragraph 0010, lines 6-14).

As per claim 30 Carson et al. is directed to the relationship information corresponding to the node in the specified taxonomy comprises a parent qualifier (figure 2a, wherein retrieval(244) is parent of healthcare(261)).

As per claim 31 Carson et al. is directed to the relationship information corresponding to the node in the specified taxonomy comprises a child qualifier (figure 2a, wherein healthcare(261) is child of retrieval(244)).

As per claim 32 Carson et al. is directed to comprising a database in which the server maintains the taxonomy data (page 6, paragraph 0056, lines 8-9).

As per claim 33 Carson et al. is directed to the taxonomy-related requests from the client comprise XML messages (page 4, paragraph 0040, lines 5-7, wherein transportation could mean both request and response).

As per claim 34 Carson et al. is directed to the response to the client comprises an XML message (page 4, paragraph 0040, lines 5-7, wherein transportation could mean both request and response).

As per claim 35 Carson et al. is directed to the server comprises a UDDI server (page 1, paragraph 0003, lines 6-8; page 7, paragraph 0068, line 1).

As per claim 36 Carson et al. is directed to the client provides the request to the server by calling an application programming interface, the application programming interface formatting the request as a message for communicating with the server and returning the response to the client in response to the application programming interface call (page 5, paragraph 0049, lines 11-12).

As per claim 41 Carson et al. is directed to in a computing environment, a system comprising:

means for receiving a request that indicates identification data and relationship data corresponding to a taxonomy (page 4, paragraph 0032, lines 4-5; page 7, paragraph 0072, lines 6-7; page 7, paragraph 0074, lines 2-4);

and means for querying a database based on the identification data and relationship data to obtain taxonomy-related information about at least one node in the taxonomy that corresponds to the identification data and relationship data (page 6, paragraph 0056, lines 8-9; page 7, paragraph 0068, page 7, paragraph 0070, lines 3-10).

As per claim 42 Carson et al. is directed to means for returning the taxonomy-related information in response to the request (page 5, paragraph 0049, lines 11-12, wherein "the taxonomy" could mean "content").

As per claim 43 Carson et al. is directed to the means for querying the database comprises request handling means in a UDDI-server environment (page 1, paragraph 0003, lines 6-8; page 7, paragraph 0068, line 1).

Response to Arguments

8. Applicant's arguments filed 07/19/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that Carson et al. does not teach querying or discovering information within the tree structure is not deemed persuasive.

Carson et al. shows that he does search the structure as listed on page 2 paragraph 0011, wherein he states that there is searching of root categories, service categories, entity categories to find relevant information. The tree structure is build hierarchically, therefore providing relationships between parents and children. The identifiers are set to find required information on given level in hierarchy. Paragraph 0075 states that the categories are being searched for relevant information. As stated in paragraph 0068 taxonomies are similar to "yellow pages". Such analogy could be extended further to state that yellow book is just like a database that holds information relevant to users.

In response to applicant's argument that Carson et al. does not teach database of taxonomy related information is not deemed persuasive.

Carson et al. shows on page 2, paragraph 0011, line 4 that he is using an index service. An index could be part of a database storing relevant information. Further on

page 7 paragraph 0068 Carson et al. uses UDDI phone book analogy which when extended suggests a database of information, wherein the taxonomy are the page headings as stated on lines 7-8 of that same paragraph.

In response to applicant's argument that Carson et al. does not teach querying based on identification data and relationship data is not deemed persuasive.

Carson et al. shows in paragraph 0075 that he searches the tree that is structured hierarchically, which means that the relationship data is the parent-child relationship in the structure of the tree as presented by Carson et al. As for the identification data Carson et al. uses identifiers on every level of the structure as described in paragraphs 0068-0074.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

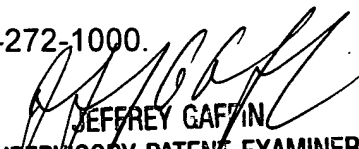
Art Unit: 2165

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Tomasz Ponikiewski
September 28, 2006